

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DARREN DWIGHT HAGGERTY,	)	Case No.: 1:21-cv-1004 JLT GSA
	)	
Plaintiff,	)	ORDER ADOPTING THE FINDINGS AND
	)	RECOMMENDATIONS, REMANDING FOR
v.	)	FURTHER PROCEEDINGS, AND DIRECTING
	)	ENTRY OF JUDGMENT IN FAVOR OF
KILOLO KIJAKAZI, Acting Commissioner of	)	PLAINTIFF AND AGAINST DEFENDANT
Social Security <sup>1</sup> ,	)	COMMISSIONER OF SOCIAL SECURITY
	)	
Defendant.	)	(Docs. 20, 24, 25)
	)	
	)	

Darren Dwight Haggerty initiated this action by filing a complaint for judicial review of the administrative decision denying his application for Social Security benefits. (Docs. 1, 20) The magistrate judge found the decision of the administrative law judge was not supported by substantial evidence and recommended the matter be remanded for further proceedings. (Doc. 25) Therefore, the magistrate judge recommended judgment be entered in favor of Plaintiff and against the Commissioner. (*Id.*)

The Court served the Findings and Recommendations on all parties and notified them that any objections must be filed within fourteen days. (Doc. 25 at 24.) In addition, the Court advised the parties that the “failure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew Saul as the defendant in this suit.

1391, 1394 (9th Cir. 1991).) No party filed objections, and the time to do so has expired.

According to the provisions of 28 U.S.C. § 636 (b)(1)(C) and *Britt v. Simi Valley United School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), this Court conducted a de novo review of the case. Having carefully reviewed the matter, the Court finds the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations (Doc. 25) are **ADOPTED**.
2. Plaintiff's Motion for Summary Judgment (Doc. 20) is **GRANTED**.
3. Defendant's Cross-Motion for Summary Judgment (Doc. 24) is **DENIED**.
4. This matter is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Findings and Recommendations.
5. The Clerk of Court is **DIRECTED** to enter judgment in favor of Plaintiff Darren Dwight Haggerty, and against Defendant Kilolo Kijakazi, acting Commissioner of Social Security.

IT IS SO ORDERED.

Dated: **October 16, 2023**

  
UNITED STATES DISTRICT JUDGE